

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

OLGA G. VENEGAS,

Plaintiff,

v.

CV 11-0448 MV/WPL

CHRISTOPHER CARRILLO, FELICIANO
GARCIA, ANTHONY SEPULVEDA,
SEBERO TORRES, JOE TRISTE, and
UNKNOWN SUPERVISORS,

Defendants.

ORDER GRANTING MOTION TO STAY DISCOVERY

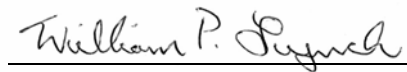
THIS MATTER comes before me on the Defendants' Motion to Stay Discovery pending a decision on their Motion for Summary Judgment (Doc. 4). (Doc. 14.) In the Motion for Summary Judgment, the Defendants assert the defense of qualified immunity. Because they have raised that defense, the Defendants submit that they are entitled to a stay of discovery. (Doc. 14 at 1.) Though the Defendants were not aware of the Plaintiff's position on the Motion at the time it was filed (*see* Doc. 14 at 2), the Plaintiff has not filed a responsive pleading opposing the stay of discovery.

Qualified immunity is "an entitlement not to . . . face the . . . burdens of litigation" *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). One of the burdens of litigation is broad-reaching discovery. *Harlow v. Fitzgerald*, 457 U.S. 800, 816-18 (1982). While some discovery into the issue of qualified immunity may be permitted under certain circumstances, *Anderson v. Creighton*, 483 U.S. 635, 646 n. 6 (1987), the Plaintiff here has not requested to be allowed any discovery. Because the Plaintiff did not object to the Motion to Stay Discovery, she has effectively consented to the

Motion being granted. *See* D.N.M.LR-Civ. 7.1(b).

Therefore, I conclude that there is good-cause for this Motion and order that it is granted. Discovery in this case shall be stayed pending the Court's ruling on the Motion for Summary Judgment.

IT IS SO ORDERED.

A handwritten signature in dark ink, reading "William P. Lynch", is positioned above a horizontal line.

William P. Lynch
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any *pro se* party as they are shown on the Court's docket.